

AM0786
LB 107
NPN-03-11

AM0786
LB 107
NPN-03-11

AMENDMENTS TO LB 107

1 1. Insert the following new section:

2 "Section 1. Section 53-132, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-132. (1) If no hearing is required pursuant to
5 subdivision (1)(a) or (b) of section 53-133 and the commission has
6 no objections pursuant to subdivision (1)(c) of such section, the
7 commission may waive the forty-five-day objection period and, if
8 not otherwise prohibited by law, cause a retail license or craft
9 brewery license to be signed by its chairperson, attested by its
10 executive director over the seal of the commission, and issued in
11 the manner provided in subsection (4) of this section as a matter
12 of course.

13 (2) A retail license or craft brewery license ~~shall~~ may
14 be issued to any qualified applicant if the commission finds that
15 (a) the applicant is fit, willing, and able to properly provide the
16 service proposed within the city, village, or county where the
17 premises described in the application are located, (b) the
18 applicant can conform to all provisions and requirements of and
19 rules and regulations adopted pursuant to the Nebraska Liquor
20 Control Act, (c) the applicant has demonstrated that the type of
21 management and control to be exercised over the premises described
22 in the application will be sufficient to insure that the licensed
23 business can conform to all provisions and requirements of and
24 rules and regulations adopted pursuant to the act, and (d) the

AM0786
LB 107
NPN-03-11

AM0786
LB 107
NPN-03-11

1 issuance of the license is or will be required by the present or
2 future public convenience and necessity.

3 (3) In making its determination pursuant to subsection
4 (2) of this section the commission shall consider:

5 (a) The recommendation of the local governing body;

6 (b) The existence of a citizens' protest made in
7 accordance with section 53-133;

8 (c) The existing population of the city, village, or
9 county and its projected growth;

10 (d) The nature of the neighborhood or community of the
11 location of the proposed licensed premises;

12 (e) The existence or absence of other retail licenses or
13 craft brewery licenses with similar privileges within the
14 neighborhood or community of the location of the proposed licensed
15 premises;

16 (f) The existing motor vehicle and pedestrian traffic
17 flow in the vicinity of the proposed licensed premises;

18 (g) The adequacy of existing law enforcement;

19 (h) Zoning restrictions;

20 (i) The sanitation or sanitary conditions on or about the
21 proposed licensed premises; and

22 (j) Whether the type of business or activity proposed to
23 be operated in conjunction with the proposed license is and will be
24 consistent with the public interest.

25 (4) Retail licenses or craft brewery licenses issued or
26 renewed by the commission shall be mailed or delivered to the clerk
27 of the city, village, or county who shall deliver the same to the

AM0786
LB 107
NPN-03-11

AM0786
LB 107
NPN-03-11

1 licensee upon receipt from the licensee of proof of payment of (a)
2 the license fee if by the terms of subdivision (5) of section
3 53-124 the fee is payable to the treasurer of such city, village,
4 or county, (b) any fee for publication of notice of hearing before
5 the local governing body upon the application for the license, (c)
6 the fee for publication of notice of renewal as provided in section
7 53-135.01, and (d) occupation taxes, if any, imposed by such city,
8 village, or county. Notwithstanding any ordinance or charter power
9 to the contrary, no city, village, or county shall impose an
10 occupation tax on the business of any person, firm, or corporation
11 licensed under the act and doing business within the corporate
12 limits of such city or village or within the boundaries of such
13 county in any sum which exceeds two times the amount of the license
14 fee required to be paid under the act to obtain such license.

15 (5) Each license shall designate the name of the
16 licensee, the place of business licensed, and the type of license
17 issued.".

18 2. On page 5, line 16, strike "53-1,104" and insert
19 "53-132, 53-1,104,".

20 3. Renumber the remaining sections accordingly.